



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2019-0083; FRL-9992-72-Region 7]

Air Plan Approval; Nebraska; Infrastructure SIP Requirements for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Nebraska addressing the applicable requirements of the Clean Air Act (CAA) section 110 for the 2015 Ozone (O₃) National Ambient Air Quality Standards (NAAQS).

Section 110 requires that each state adopt and submit a SIP to support the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-R07-OAR-2019-0083 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Written Comments" heading of the SUPPLEMENTARY INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Crable
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SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to the EPA. A technical support document (TSD) is included in this proposed rulemaking docket.

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I. Written Comments.

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2019-0083, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. What is Being Addressed in this Document?

The EPA is proposing to approve the infrastructure SIP submission received from the State of Nebraska on September 24, 2018. Specifically, EPA is proposing to approve the following

infrastructure elements of section 110(a)(2): (A) through (C), (D)(i)(I) - prongs 1 and 2, (D)(i)(II) - prong 3, (D)(ii), (E) through (H), and (J) through (M).

A Technical Support Document (TSD), is included as part of the docket to discuss the details of this proposed action, including an analysis of how the SIP meets the applicable 110(a)(1) and (2) requirements for infrastructure SIPs. As explained in the TSD, EPA plans to take separate action on the infrastructure elements under section 110(a)(2)(D)(i)(II) - prong 4. The EPA is not taking action on section 110(a)(2)(I) - Nonattainment Area Plan or Plan Revisions Under Part D.

III. Have the Requirements for Approval of a SIP Revision Been Met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The state provided a public comment period for this SIP revision from August 7, 2018 to September 7, 2018, and at the same time, offered an opportunity for a public hearing. The state received no comments and no requests for a public hearing. The public hearing scheduled for September 11, 2018 was canceled. In addition, as explained in more detail in

the TSD, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What Action is EPA Taking?

The EPA is proposing to approve elements of the September 24, 2018, infrastructure SIP submission from the State of Nebraska, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2015 O₃ NAAQS. Specifically, the EPA is proposing to approve the following infrastructure elements of 110(a)(2): (A) through (C), (D)(i)(I) - prongs 1 and 2, (D)(i)(II) - prong 3, (D)(ii), (E) through (H), and (J) through (M). As explained in the TSD, the EPA intends to act on section 110(a)(2)(D)(i)(II) - prong 4, in a subsequent rulemaking. The EPA is not taking action on section 110(a)(2)(I) - Nonattainment Area Plan or Plan Revisions under part D.

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Nebraska's SIP, the EPA believes that Nebraska's SIP will meet all applicable required elements of sections 110(a)(1) and (2) (except as otherwise noted) with respect to the 2015 O₃ NAAQS. We are processing this as a proposed action because we are

soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 25, 2019.

James Gulliford,
Regional Administrator,
Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

Part 52 -- APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et. seq.*

Subpart CC-Nebraska

2. In §52.1420 paragraph (e), the table is amended by adding entry (35) in numerical order to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(e) * * *

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *				
(35) Sections 110 (a) (1) and (2) Infrastructure Requirements for the 2015 O ₃ NAAQS	Statewide	9/24/2018	[Date of publication of the final rule in the Federal Register], [Federal Register citation of the final rule]	This action approves for the O ₃ NAAQS: the following CAA elements: 110 (a) (1) and (2): (A) through (C), (D) (i) (I)-prongs 1 and 2, (D) (i) (II)-prong 3, (D) (ii), (E) through (H), and (J) through (M). EPA-R07-OAR-2019-0083; FRL-9992-72-Region 7.